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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,678	09/25/2003	Keith A. Thuerk	BOC9-2003-0004 (373)	7522
40987 7590 06/10/2009 Novak Druce + Quigg LLP CityPlace Tower, 525 Okeechobee Blvd. Fifteenth-Floor WEST PALM BEACH, FL 33401				
EXAMINER				
PAULS, JOHN A				
ART UNIT		PAPER NUMBER		
3686				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/670,678

Applicant(s)

THUERK, KEITH A.

Examiner

JOHN A. PAULS

Art Unit

3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the communication filed on 11 May, 2009.
2. Claims 1, 3, 11 and 15 have been amended.
3. Claims 5 – 10 and 18 – 22 have been cancelled
4. Claims 1 – 4 and 11 - 17 are currently pending and have been examined.

Claim Objections

5. Claims 1 – 4 and 11 – 17 are objected to because of the following informalities: the term “quest” is found in Claims 1, 11 and 15. Examiner assumes that this is a misspelling of the term “request”. Examiner notes the same misspelling in applicant’s remarks/arguments.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 1 – 4 and 15 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 5,664,109 A) and in further view of Goodwin et al. (US PG PUB 2002/0065668 A1) and in further view of Goodman et al. (US 5,526,146 A).

CLAIMS 1 and 15

Johnson as shown discloses a system and method for extracting data from medical records with the following limitations:

- *providing at least one private display*; (see at least Johnson column 4 line 41 – 51);
- *displaying at least a portion of the confidential information at the private display*; (see at least Johnson column 2 line 14 – 26 and column 9 line 66 to column 10 line 20).

Examiner notes that medical information must be maintained in a confidential manner in accordance with the Health Insurance Portability and Accountability Act of 1996 and is therefore “confidential information”. See Applicant’s own admission, Description of the Related Art, page 1).

Examiner notes that Johnson discloses a system that will only display medical records to “authorized providers and subscribers” who would view this information on “private displays” as defined by the specification in the present application. (see at least Johnson).

Johnson as shown discloses the limitations above. Johnson does not specifically disclose the following limitations, however, Goodwin does:

- *providing at least one publicly accessible display*; (see at least Goodwin paragraph 0003);

- *receiving confidential information from an input device connected to the publicly accessible display; (see at least Goodwin paragraph 0004, 0016 and 0025);*
- *displaying at least a portion of the confidential information at the publicly accessible display for a predetermined time period; (see at least Goodwin paragraph 0007, 0010, 0023 and 0024);*
- *concealing the portion of the confidential information displayed at the publicly accessible display upon expiration of the predetermined time period or upon a user request, the concealing step including at least one of: removing the confidential information from the publicly accessible display; covering the confidential information; and presenting the information in a nonsensical format; (see at least Goodwin paragraph 0023 and 0024).*

Goodwin discloses a personal information protection system which includes concealing confidential information at a public display. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the medical records system of Johnson so as to have included concealing confidential information at a public display, in accordance with the teaching of Goodwin, in order to protect confidential information as required by federal regulation, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The combination of Johnson/Goodwin as shown discloses the limitations above.

Johnson/Goodwin does not specifically disclose the following limitations, however, Goodman does:

- *the publicly accessible display is configured to display the confidential information to only a view from within a predetermined viewing angle and a predetermined distance to the publicly accessible display;* (see at least Goodman column 5 line 19 – 29; column 6 line 46 – 49 and line 59 – 67; column 8 line 66 to column 9 line 5 and Claim 12.

Goodman discloses a private display system which includes concealing confidential information at a public display within a viewing angle and distance. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the medical records system of Johnson/Goodwin so as to have included concealing confidential information at a public display within a viewing angle and distance, in accordance with the teaching of Goodman, in order to protect confidential information as required by federal regulation, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

CLAIMS 2, 3, 4, 16 and 17

Johnson as shown discloses the limitations shown above relative to Claims 1 and 15 respectively.

Johnson also discloses the following limitations:

- *sending a notification signal;* (see at least Johnson column 3 line 11 - 17);
- *notification signal is sent to a health care professional;* (see at least Johnson column 3 line 11 - 17);
- *storing at least a portion of the confidential information;* (see at least Johnson column 15 line 6 - 15).

9. Claims 11 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. (US PG PUB 2002/0022973 A1) and in further view of Goodwin et al. (US PG PUB 2002/0065668 A1) and in further view of Goodman et al. (US 5,526,146 A).

CLAIM 11

Sun as shown discloses a medical information management system with the following limitations:

- *an input system for receiving confidential information; (see at least Sun paragraph 0013 and 0014);*
- *a first display communicably coupled to said input system for displaying at least a portion of the confidential information; (see at least Sun paragraph 0078 and Claim 4);*
- *a second display communicably coupled to said input system for displaying at least a portion of the confidential information; (see at least Sun paragraph 0078 and Claim 4).*

Sun as shown discloses the limitations above. Sun does not specifically disclose the following limitations, however, Goodwin does:

- *displaying at least a portion of the confidential information at the first display for a predetermined time period; (see at least Goodwin paragraph 0007, 0010, 0023 and 0024);*
- *wherein at least said first display is configured to conceal at least a portion of the confidential information upon expiration of the predetermined time period or upon a user request, the confidential information is concealed by at least one of removing the confidential information from the publicly accessible display, covering the confidential*

information, and presenting the information in a nonsensical format; (see at least Goodwin paragraph 0023 and 0024).

Goodwin discloses a personal information protection system which includes concealing confidential information at a public display. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the medical information management system of Sun so as to have included concealing confidential information at a public display, in accordance with the teaching of Goodwin, in order to protect confidential information as required by federal regulation, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The combination of Sun/Goodwin as shown discloses the limitations above. Sun/Goodwin does not specifically disclose the following limitations, however, Goodman does:

- *wherein the first display is configured to display the confidential information to only a view from within a predetermined viewing angle and a predetermined distance to the first display; (see at least Goodman column 5 line 19 – 29; column 6 line 46 – 49 and line 59 – 67; column 8 line 66 to column 9 line 5 and Claim 12.*

Goodman discloses a private display system which includes concealing confidential information at a public display within a viewing angle and distance. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the medical records system of Johnson/Goodwin so as to have included concealing confidential information at a public display within a viewing angle and distance, in accordance with the teaching of Goodman,

in order to protect confidential information as required by federal regulation, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

CLAIM 12 and 13

The combination of Sun/Goodwin/Goodman discloses the limitations shown above relative to Claim 11. Sun also discloses the following limitations:

- *input system includes at least one input device; (see at least Sun paragraph 0027);*
 - *at least one wireless transceiver for at least one of sending and receiving at least a portion of the confidential information; (see at least Sun paragraph 0054);*
10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al. (US PGPUB 2002/0022973 A1) and in further view of Goodwin et al. (US PGPUB 2002/0065668 A1) and in further view of Goodman et al. (US 5,526,146 A) and in further view of Brown (US 5,897,493 A).

CLAIM 14

Sun/Goodwin/Goodman discloses the limitations shown above relative to Claim 11. Sun also discloses the following limitations:

- *a housing for supporting said input system and said first display, see at least Sun paragraph 0027).*

Sun/Goodwin/Goodman discloses the limitations shown above. Sun does not specifically disclose the following limitations, however, Brown does:

- *second display is remotely located from said housing;* (see at least Brown column 2 line 39 – 67 and Figure 1).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify the medical record system of Sun/Goodwin/Goodman with the remote display of Brown because providing remote access to patient information allows practitioners to provide higher quality care at less expense.

Response to Arguments

Applicant's arguments with respect to claims 1 – 4 and 11 - 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John A. Pauls** whose telephone number is **(571) 270-5557**. The Examiner can normally be reached on Monday to Friday 7:30 to 5:00 4/5/9. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Jerry O'Connor** can be reached at **571.272.6787**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **(571) 273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark**

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401 Dulany Street

Alexandria, VA 22314.

/J. A. P./

Examiner, Art Unit 3686

Date: 4 June, 2009

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686